

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Mack Neil Myers, #241427,)
)
 Plaintiff,) C.A. No. 9:07-1131-HMH-GCK
)
 vs.) **OPINION & ORDER**
)
)
Jon Ozmint, Director of SCDC,)
Warden Richard Bazzel, Mr. Olson,)
Food Service Director, and)
Nurse Ms. Ravist,)
)
 Defendants.)

This matter is before the court with the Report and Recommendation of United States Magistrate Judge George C. Kosko, made in accordance with 28 U.S.C. § 636(b)(1) (2006) and Local Civil Rule 73.02 of the District of South Carolina. Mack Neil Myers (“Myers”), a state prisoner proceeding pro se, alleges that he was subjected to cruel and unusual punishment and deliberate indifference to his serious medical needs in violation of the Eighth Amendment. In his Report and Recommendation, Magistrate Judge Kosko recommends (1) denying the Defendants’ motion to dismiss, (2) denying Myers’ motion for a physical and mental examination, (3) denying Myers’ motion for summary judgment, (4) granting Myers’ motion to amend, (5) granting the Defendants’ motion for summary judgment, and (6) imposing a strike on Myers pursuant to 28 U.S.C. § 1915(e)(2) and (g).

Myers filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation

is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Myers' objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the Magistrate Judge's Report and the record in this case, the court adopts Magistrate Judge Kosko's Report and Recommendation.

Therefore, it is

ORDERED that the Defendants' motion to dismiss, docket no. 9, is denied. It is further

ORDERED that Myers' motion for a physical and mental examination, docket no. 20, is denied. It is further

ORDERED that Myers' motion for summary judgment, docket no. 21, is denied. It is further

ORDERED that Myers' motion to amend, docket no. 64, is granted. It is further

ORDERED that the Defendants' motion for summary judgment, docket no. 66, is granted. It is further

ORDERED that this dismissal is deemed a strike under 28 U.S.C. § 1915(e)(2) and (g).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
October 9, 2007

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.